

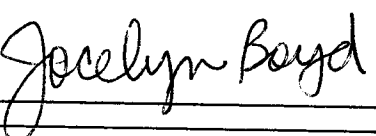
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DOCUMENT TRANSMITTAL FORM
This form must be completed and submitted with each
document filed with the Editor of the *State Register* in the Legislative Council

1. Agency Name Public Service Commission	2. Chapter Number 103	3. Date of Filing February 14, 2014
4. Regulation Number 103-811	5. Subject of Regulation Commissioners	
6. Statutory Authority S.C. Code Ann. Section 58-3-140		

7. Type of Filing

- ☐ NOTICE OF GENERAL PUBLIC INTEREST
- ☐ NOTICE OF DRAFTING
- ☒ PROPOSED REGULATION
- ☐ EMERGENCY REGULATION
- ☐ FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW
- ☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW
- ☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW WITH NO SUBSTANTIVE CHANGES
- ☐ FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

8. For Additional Information, Contact Jocelyn Boyd		9. Telephone Number 803-896-5100
10. Typed Name of Official Jocelyn Boyd	11. Signature of Official 	12. Date February 14, 2014

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Document No. _____
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140 (Supp. 2013)

103-811. Commissioners.

Preamble:

The Public Service Commission of South Carolina (Commission) proposes to amend Regulation 103-811 in order that its content is consistent with S.C. Code Ann. Section 58-3-20. The Notice of Drafting regarding the amendment to 10 S.C. Code Ann. Regs. 103-811 was published in the State Register on November 22, 2013, in Volume 37, Issue 11.

Section-by-Section Discussion

103-811. This section is updated to reflect the recently amended S.C. Code Ann. Section 58-3-20. There are currently seven Congressional Districts and Regulation 103-811 should be amended to reflect the statutory language of Section 58-3-20.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2013-402-A. To be considered, comments must be received no later than 4:45 p.m. on Monday, May 12, 2014. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on Tuesday, June 24, 2014, at 10:00 a.m. in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

103-811. Commissioners.

Purpose: Regulation 103-811 currently references the composition of the Commission as seven commissioners, one from each of the six Commission Districts and one at-large, pursuant to S. C. Code Ann. Section 58-3-20. Act No. 279 of 2012 amended S. C. Code Ann. Section 58-3-20, including changing the number of references to Congressional Districts from six to seven. Additionally, the amendments made to Section 58-3-20 provided for terms for commissioners who were elected in 2013. The purpose for the proposed changes to Regulation 103-811 is to make the Regulation 103-811 substantively consistent with the recently amended S.C. Code Ann. Section 58-3-20.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2013)

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

To minimize confusion and to correct the substance of a dated regulation, Regulation 103-811 should be amended so that its substance reflects the current law.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to the proposed changes to the Commission's Regulation 103-811 are minimal, the benefits include the amendment of a regulation that correctly reflects the current statutory language of S.C. Code Ann. Section 58-3-20.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.

STATEMENT OF RATIONALE:

The substance of Regulation 103-811 currently contains language that is inconsistent with the amended portions of S.C. Code Ann. Section 58-3-20. The rationale for proposing the amendments to Regulation 103-811 includes conforming the language or substance of Regulation 103-811 to S.C. Code Ann. Section 58-3-20. There was no scientific or technical basis relied upon in the development of this regulation.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

103-811. Commissioners.

~~The membership of the Commission is composed of seven Commissioners, each elected for a term of four years by the South Carolina General Assembly upon nomination of the State Regulation of Public Utilities Review Committee, one from each of six Commission Districts and one at large, pursuant to S.C. Code Ann. Section 58-3-20.~~

~~Beginning in 2004, the members of the Public Service Commission must be elected to staggered terms. In 2004, the members representing the second, fourth, and sixth congressional districts must be elected for terms ending on June 30, 2006, and until their successors are elected and qualify. In 2004, the members representing the first, third, and fifth congressional districts and the State at large must be elected for terms ending on June 30, 2008, and until their successors are elected and qualify. Thereafter, members representing the first, third, and fifth congressional districts and the State at large must be elected to terms of four years and until their successors are elected and qualify. Thereafter, members representing the second, fourth, and sixth congressional districts must be elected to terms of four years and until their successors are~~

~~elected and qualify.~~

The membership of the Commission is composed of seven Commissioners, each elected by the South Carolina General Assembly upon nomination of the State Regulation of Public Utilities Review Committee, one from each of seven Congressional Districts, pursuant to S.C. Code Ann. Section 58-3-20.

Beginning in 2004, the members of the Public Service Commission must be elected to staggered terms. In 2004, the members representing the Second, Fourth, and Sixth Congressional Districts must be elected for terms ending on June 30, 2006, and until their successors are elected and qualify. Thereafter, members representing the Second, Fourth, and Sixth Congressional Districts must be elected to terms of four years and until their successors are elected and qualify. In 2004, the members representing the First, Third, and Fifth Congressional Districts and the State at large must be elected for terms ending on June 30, 2008, and until their successors are elected and qualify. Thereafter, members representing the First, Third, and Fifth Congressional Districts and the State at large must be elected to terms of four years and until their successors are elected and qualify. Notwithstanding the provisions of this regulation, members representing the First, Third, and Fifth Congressional Districts shall serve until the expiration of their terms, and in 2013, members representing the First, Third, and Fifth Congressional Districts must be elected for terms ending on June 30, 2016, and until their successors are elected and qualified.

In the event there are seven Congressional Districts, the member elected from the State at large shall serve until the expiration of his term, and in 2013, a member representing the Seventh Congressional District must be elected for a term ending on June 30, 2016, and until his successor is elected and qualified. Thereafter, the member representing the Seventh Congressional District must be elected to terms of four years and until his successor is elected and qualified.

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PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
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Preamble:

The Public Service Commission of South Carolina (Commission) proposes to amend Regulation 103-811 in order that its content is consistent with S.C. Code Ann. Section 58-3-20. The Notice of Drafting regarding the amendment to 10 S.C. Code Ann. Regs. 103-811 was published in the State Register on November 22, 2013, in Volume 37, Issue 11.

Section-by-Section Discussion

103-811. This section is updated to reflect the recently amended S.C. Code Ann. Section 58-3-20. There are currently seven Congressional Districts and Regulation 103-811 should be amended to reflect the statutory language of Section 58-3-20.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2013-402-A. To be considered, comments must be received no later than 4:45 p.m. on Monday, May 12, 2014. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on Tuesday, June 24, 2014, at 10:00 a.m. in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

103-811. Commissioners.

Purpose: Regulation 103-811 currently references the composition of the Commission as seven commissioners, one from each of the six Commission Districts and one at-large, pursuant to S. C. Code Ann. Section 58-3-20. Act No. 279 of 2012 amended S. C. Code Ann. Section 58-3-20, including changing the number of references to Congressional Districts from six to seven. Additionally, the amendments made to Section 58-3-20 provided for terms for commissioners who were elected in 2013. The purpose for the proposed changes to Regulation 103-811 is to make the Regulation 103-811 substantively consistent with the recently amended S.C. Code Ann. Section 58-3-20.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2013)

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

To minimize confusion and to correct the substance of a dated regulation, Regulation 103-811 should be amended so that its substance reflects the current law.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to the proposed changes to the Commission's Regulation 103-811 are minimal, the benefits include the amendment of a regulation that correctly reflects the current statutory language of S.C. Code Ann. Section 58-3-20.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.

STATEMENT OF RATIONALE:

The substance of Regulation 103-811 currently contains language that is inconsistent with the amended portions of S.C. Code Ann. Section 58-3-20. The rationale for proposing the amendments to Regulation 103-811 includes conforming the language or substance of Regulation 103-811 to S.C. Code Ann. Section 58-3-20. There was no scientific or technical basis relied upon in the development of this regulation.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

103-811. Commissioners.

The membership of the Commission is composed of seven Commissioners, each elected by the South Carolina General Assembly upon nomination of the State Regulation of Public Utilities Review Committee, one from each of seven Congressional Districts, pursuant to S.C. Code Ann. Section 58-3-20.

Beginning in 2004, the members of the Public Service Commission must be elected to staggered terms. In 2004, the members representing the Second, Fourth, and Sixth Congressional Districts must be elected for terms ending on June 30, 2006, and until their successors are elected and qualify. Thereafter, members representing the Second, Fourth, and Sixth Congressional Districts must be elected to terms of four years and until their successors are elected and qualify. In 2004, the members representing the First, Third, and Fifth Congressional Districts and the State at large must be elected for terms ending on June 30, 2008, and until their successors are elected and qualify. Thereafter, members representing the First, Third, and Fifth Congressional Districts and the State at large must be elected to terms of four years and until their successors are elected and qualify. Notwithstanding the provisions of this regulation, members representing the First, Third, and Fifth Congressional Districts shall serve until the expiration of their terms, and in 2013, members representing the First, Third, and Fifth Congressional Districts must be

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